S.B. CRIMINAL MISC. BAIL APPLICATION NO. 1220/2007
(Jaiveer Singh Vs. State of Rajasthan)

DATE OF ORDER : 3.7.2007

HON'BLE MR. JUSTICE BHANWAROO KHAN

Mr. I.R. Choudhary,for the applicant.
Mr. Vishnu Kachhawaha,Public Prosecutor.
Mr. J.R. Beniwal, for the complainant.

The accused is facing charge under Sections 365, 366 and 376 IPC.

The main allegation is that the accused alongwith other persons abducted Manju Kumari from the possession of her brother and taken at different places and at Jaipur she was forced by the accused persons to get herself married with Jaiveer Singh and also rape was committed by accused Jaiveer Singh. Only argument of the learned counsel is that Manju Kumari with her own will married to Jaiveer Singh in Arya Samaj and now she is resiling from her earlier stand. It is a case of pure freewill and she is approximately 19 years old.

In the statement recorded under Section 164 Cr.P.C., it is found that she was forcefully abducted from the possession of her brother and so-called marriage is perforce. She was given threat and was forced to marry Jaiveer Singh.

At this juncture, the bail application under

Section 439 Cr.P.C. is rejected. The trial court is directed to record the statement of victim as first witness after framing of the charge.

(BHANWAROO KHAN),J.

RM/-